THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 7559 of 2007

O r d e r:

The petitioners claim that they have been working as contract labour Junior Linemen since more than 10 years in different Sub-Stations in Kadapa District. While so, the 2nd respondent issued notification dated 06.06.2006 proposing to fill up 225 posts of Junior Linemen on contract basis for a period of one year. The qualifications prescribed for the post of Junior Lineman is pass in SSLC/SSC with ITI qualifications in Electrical/Wiremen Trade. The petitioners who applied for the said posts, possess only SSC qualification, and as they do not possess the qualification of ITI, having regard to their experience, they filed writ petition in W.P.
No. 22579 of 2006 seeking exemption of ITI qualification. This Court having regard to the stand taken by the Standing Counsel for the respondents, disposed of the writ petition directing the respondents to strictly adhere to Condition 6(b) of the revised notification and give priority to the petitioners at the time of considering their cases for selection to the posts of contract Junior Linemen. The petitioners state that with similar directions, this Court disposed of writ petition in W.P. No. 23778 of 2006 filed by contract labour of Nellore District. The petitioners state that in terms of the said directions, the respondents therein considered the cases of contract labour, and rejected the same on the ground that the candidates do not possess the requisite qualifications. The petitioners apprehend that since they do not possess the qualifications of ITI, the respondents may also reject their cases, and submit that even if they do not satisfy the qualifications prescribed in Condition 6(b), yet they are entitled for consideration of their cases against the 20% vacancies in terms of the proviso appended to Rule 3 of the A.P. Electricity Department – Operation Subordinate Service Rules, which states that 20% of the posts in any category or grade shall be reserved for unqualified candidates with sufficient practical experience. Hence, they filed the present writ petition seeking appropriate directions to the respondents.

Heard the learned counsel for the petitioners and the learned

Standing Counsel for the respondents-APSRTC.

According to the own admission of the petitioners, they do not possess the qualifications of ITI as required by Condition 6(b) of the recruitment notification. The apex Court in Civil Appeal No. 3215 of 2002 and batch dated 18.04.2002, considering the fact that the benefit of regularization depended upon eligibility of conditions including the age limit prescribed under the statutory regulations, held that inasmuch as the statutory regulations provided that there shall be no relaxation of age, no relaxation of qualifications can be given. While disposing of the civil appeal, the apex Court observed as follows:

> "In our view, in the petitions before the High Court there was no question of considering public policy and the discussion on the law was totally besides the point involved in the matter. Limited issue was – whether before regularization of service of employees, the Board was bound to follow the eligibility conditions laid down in its proceedings dated 18.05.1997 and 31.12.1997. Benefit of regularization which was conferred on the employees solely depended upon eligibility of conditions including the age limit prescribed under the statutory regulations. The statutory regulations provide that there shall be no relaxation of age. In cases, where the Board has committed mistake in engaging under-age casual employees or has permitted the contractor to do so would not confer any right on such employees for being regularized on the basis of BPMS dated 18.05.1997.
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> In this view of the matter, the judgment rendered by the High Court cannot be sustained and is, therefore, set aside.
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> However, considering the fact that the respondents/casual employees/employees of the contractor/junior linemen are in service for more than 15 years, we do not think that this would be a fit case for disturbing their appointments made in pursuance of the order passed by the High Court.
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> Ordered accordingly. Appeals stand disposed of."

Following the above judgment, this Court disposed of several batch of writ petitions holding that no relaxation of qualifications, be it educational, technical, physical or age relaxation can be given, and more so when the statutory rules do not provide for such relaxation. Inasmuch as the petitioners do not possess the requisite qualifications as required by Condition 6(b) of the recruitment notification, they cannot contend that they should be given relaxation in the qualifications. Merely because the respondents have rejected the cases of similarly placed candidates in Nellore District on the ground that they did not possess the qualifications as prescribed in Condition 6(b) of the recruitment notification, is no ground for the petitioners to file this writ petition. The petitioners, even before consideration of their cases, cannot assume for themselves that their cases would be rejected.

There is no merit in the writ petition, and the same is accordingly dismissed. No costs.

N.V. RAMANA, J.

Dated: 17th April, 2007.
KSR